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5 Attorneys for USACM Liquidating Trust

6 **UNITED STATES BANKRUPTCY COURT**  
 7 **DISTRICT OF NEVADA**

8 In re:

9 USA Commercial Mortgage Company,

10 USA Capital Realty Advisors, LLC,<sup>1</sup>

11 USA Capital Diversified Trust Deed Fund,  
 12 LLC,

13 USA Capital First Trust Deed Fund, LLC,<sup>2</sup>

14 USA Securities, LLC,<sup>3</sup>

15 Debtors.

16 **Affects:**

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

Case No. BK-S-06-10725-LBR<sup>1</sup>  
 Case No. BK-S-06-10726-LBR<sup>1</sup>  
 Case No. BK-S-06-10727-LBR<sup>2</sup>  
 Case No. BK-S-06-10728-LBR<sup>2</sup>  
 Case No. BK-S-06-10729-LBR<sup>3</sup>

CHAPTER 11

Jointly Administered Under Case No.  
 BK-S-06-10725 LBR

**Status And Agenda For June 26, 2009  
 Hearings filed by USACM Liquidating  
 Trust**

Hearing Date: June 26, 2009  
 Hearing Time: 9:30 a.m.

25 <sup>1</sup> This bankruptcy case was closed on September 23, 2008.

26 <sup>2</sup> This bankruptcy case was closed on October 12, 2007.

<sup>3</sup> This bankruptcy case was closed on December 21, 2007.

1. **Status Hearing:** Adv. 08-01121-lbr, USACM Liquidating Trust v. Fertitta Enterprises, Inc. et al

**Order filed:** 04/15/09 Order Scheduling Settlement Conference. Status hearing to be held on 6/26/2009 at 09:30 AM at LBR-Courtroom 1, Foley Federal Bldg. Settlement Conference scheduled for 6/18/2009 at 01:30 PM at LBR-Courtroom 1, Foley Federal Bldg. [53]

**Status** Settlement conference conducted but no settlement reached.  
Ready to proceed.

2. **Scheduling Conference Re: Complaint: Adv. 08-01209-lbr, USACM**  
**Liquidating Trust et al v. Fogg**

**Complaint filed:** Adversary case 08-01209. Complaint Filed by USACM  
7/15/08 LIQUIDATING TRUST, USA CAPITAL DIVERSIFIED  
TRUST DEED FUND, LLC vs. DAVID A FOGG [DE 1]

**Answer filed:** Answer to Complaint ; *Request for Jury Trial with Certificate of Service* Filed by RYAN J. WORKS on behalf of DAVID A FOGG [DE 10]

**Order filed:** Scheduling conference scheduled for hearing to be held on 5/26/09 6/26/09 at 9:30 AM at LBR-Courtroom 1, Foley Federal Bldg. [DE 33]

**Status** Ready to proceed.

**3. Status Hearing Re: Complaint: Adv. 08-01122-lbr, USACM LIQUIDATING TRUST v. J.M.K. INVESTMENTS, LTD. et al**

**Complaint filed:** Complaint Filed by USACM LIQUIDATING TRUST vs. J.M.K. INVESTMENTS, LTD., JOHN M KEILLY, MOUNTAIN WEST MORTGAGE LLC Fee Amount \$250. (13 (Recovery of money/property - 548 fraudulent transfer)(02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy. [1]

04/15/09

**Answer filed:** Answer to Complaint of Defendants J.M.K. Investments and John M. Keilly with Certificate of Service Filed by GEORGE C LAZAR on behalf of J.M.K. INVESTMENTS, LTD., JOHN M KEILLY [14]  
05/13/08

**Answer filed:** Answer to Complaint Filed by DAVID A. COLVIN on behalf of MOUNTAIN WEST MORTGAGE LLC [15]  
05/14/08

**Status** Settlement reached but documents not yet filed.  
Ready to proceed.

**4. Motion to Amend Motion for Leave to File First Amended Complaint:**  
Adv. 08-01133-lbr, USA Capital Diversified Trust Deed Fund, LLC v. Petersen et al

**Motion filed:** Motion to Amend Motion for Leave to File First Amended  
5/15/09 Complaint with Certificate of Service Filed by MICHAEL  
YODER on behalf of USA CAPITAL DIVERSIFIED TRUST  
DEED FUND, LLC [DE 60]

**Order filed:** Stipulation and Order Granting Extension of Time for Filing of  
6/03/09 Defendants' Opposition Brief and Plaintiffs' Reply Brief on  
Plaintiff's Motion for Leave to File First Amended Complaint [66]

**Opposition filed:** Opposition To Plaintiffs' Motion For Leave To File First Amended Complaint (Defendants' Consolidated) Filed by TIMOTHY R. O'REILLY on behalf of KATHRYN L. PETERSEN LIVING TRUST, KLP TRUST DTD 7/15/99, KATHRYN L PETERSEN, SPECIALIZED DEVELOPMENT TAHOE, LLC, USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC [67]  
6/08/09

**Opposition filed:** Opposition To Plaintiffs' Motion For Leave To File First Amended Complaint (Defendants' Consolidated) Filed by TIMOTHY R. O'REILLY on behalf of KATHRYN L. PETERSEN LIVING TRUST, KLP TRUST DTD 7/15/99, KATHRYN L PETERSEN, SPECIALIZED DEVELOPMENT TAHOE, LLC, USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC [68]  
6/08/09

**Addendum filed:** *Addendum To Defendants' Consolidated Opposition To Plaintiffs' Motion For Leave To File First Amended Complaint with Certificate of Service Filed by TIMOTHY R. O'REILLY on behalf of KATHRYN L. PETERSEN LIVING TRUST, KLP TRUST DTD 7/15/99, KATHRYN L PETERSEN, SPECIALIZED DEVELOPMENT TAHOE, LLC [DE 80]*  
6/19/09

**Reply filed:** *Reply in Support of Motion for Leave to File First Amended Complaint* with Certificate of Service Filed by ERIC D. MADDEN on behalf of USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC [DE 81]  
6/19/09



1      **Declaration filed:** Declaration Of: ERIC D. MADDEN *in Support of USA CAPITAL*  
 2      **6/19/09** *DIVERSIFIED TRUST DEED FUND, LLC'S Reply in Support of*  
 3      *Motion for Leave to File First Amended Complaint* with  
 4      Certificate of Service Filed by ERIC D. MADDEN on behalf of  
 5      USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC [DE  
 6      82]

5      **Status** Ready to proceed.

6      5. **Motion for Leave to File First Amended Complaint:** Adv. 08-01134-lbr  
 7      USACM Liquidating Trust Et Al v. Petersen et al

8      **Motion filed:** Motion for Leave to File First Amended Complaint with  
 9      **5/15/09** Certificate of Service Filed by MICHAEL YODER on behalf of  
 10     USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC,  
 11     USACM LIQUIDATING TRUST [DE 100]

12     **Order filed:** Stipulation and Order Granting Extension of Time for Filing of  
 13     **6/03/09** Defendants' Opposition Brief and Plaintiffs' Reply Brief on  
 14     Plaintiff's Motion for Leave to File First Amended Complaint  
 15     [108]

16     **Opposition filed:** Opposition To Plaintiffs' Motion For Leave To File First  
 17     **6/08/09** Amended Complaint (Defendants' Consolidated) With Certificate  
 18     Of Service Filed by TIMOTHY R. O'REILLY on behalf of  
 19     KATHRYN L. PETERSEN LIVING TRUST, KLP TRUST DTD  
 20     7/15/99, MARY PETERSEN FAMILY TRUST DTD 8/12/98,  
 21     MICHAEL D PETERSEN FAMILY TRUST DTD 8/12/98,  
 22     KATHRYN L PETERSEN, MARY PETERSEN, MICHAEL D  
 23     PETERSEN [110]

24     **Addendum filed:** Addendum To Defendants' Consolidated Opposition To Plaintiffs'  
 25     **6/19/09** Motion For Leave To File First Amended Complaint with  
 26     Certificate of Service Filed by TIMOTHY R. O'REILLY on  
 27     behalf of KATHRYN L. PETERSEN LIVING TRUST, KLP  
 28     TRUST DTD 7/15/99, MARY PETERSEN FAMILY TRUST  
 29     DTD 8/12/98, MICHAEL D PETERSEN FAMILY TRUST DTD  
 30     8/12/98, KATHRYN L PETERSEN, MARY PETERSEN,  
 31     MICHAEL D PETERSEN [122]

32     **Reply filed:** Reply *in Further Support of Motion for Leave to File First*  
 33     **6/19/09** *Amended Complaint* with Certificate of Service Filed by ERIC D.  
 34     MADDEN on behalf of USA CAPITAL DIVERSIFIED TRUST  
 35     DEED FUND, LLC, USACM LIQUIDATING TRUST [DE 123]

36     **Status** Ready to proceed.

**6. Status Hearing Re: Objection to Claim 1279 of Lerin Hills Ltd: 06-10725-lbr, USA Commercial Mortgage Company, Chapter 11**

**Objection filed:** Objection to Claim 1279 of Lerin Hills Ltd with Certificate of Service filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 3080]  
3/13/07

**Declaration filed:** Declaration Of: Edward M. Burr *in Support of USACM Liquidating Trust Objections to Proofs of Claim and Motions to Classify Claims Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 3082]*  
3/13/07

**Reply filed** 6/06/07 **Reply to Objection to Claim 1279 of Lerin Hills Ltd with Certificate of Service filed Marjorie Guyman [DE 3904] -**

**Status:** Continued from 4/26/07, 6/15/07, 10/15/07, 12/14/07, 12/20/07, 2/21/08, 5/8/08, 2/3/09, 2/20/09, 5/18/09, and 6/12/09. Lerin Hills has council. The parties are exploring settlement and will be prepared for a status conference.

**7. Status Hearing Re: Amended Complaint:** Adv. 06-01212-lbr, Binford Medical Developers, LLC Et Al v. Compass Financial Partners LLC et al

**Complaint filed:** Amended Complaint Filed by SUSAN WILLIAMS SCANN on  
09/12/07 behalf of BINFORD MEDICAL DEVELOPERS, LLC against  
COMPASS FINANCIAL PARTNERS LLC [80]

**Answer filed:** Answer to Amended Complaint Filed by GEORGANNE W. BRADLEY on behalf of COMPASS FINANCIAL PARTNERS LLC [89]  
10/05/07

**Status** Unknown by the Trust.

**8. Status Hearing Re: Motion to Strike USACM Liquidating Trust's Motion to Strike Defendant Michael Petersen's Jury Demand:** Adv. 08-01134-lbr, USACM Liquidating Trust & USA Capital Diversified Trust Deed Fund v. Mary Petersen & Mary Petersen Family Trust Dtd 8/12/98 & Michael D Petersen & Michael D Petersen Family Trust Dtd 8/12 & Kathryn L Petersen & Kathryn L. Petersen Living Trust & KLP Trust Dtd 7/15/99

05/26/09      Hearing Scheduled/Rescheduled. Status hearing to be held on 6/26/2009 at 09:30 AM at LBR-Courtroom 1, Foley Federal Bldg. [107]

**Status** Ready to proceed.



1           9. **Status Hearing Re: Complaint:** Adv. 08-01066-lbr, USACM Liquidating  
 2 Trust v. Compass USA SPE, LLC et al

3           **Complaint filed:** Adversary case 08-01066. Complaint Filed by USACM  
 4 02/29/08 LIQUIDATING TRUST vs. COMPASS USA SPE, LLC,  
 5 REPUBLIC TITLE OF TEXAS, INC. [DE 1]

6           **Notice of Hearing filed:** 05/28/09 *Notice of Rescheduled Hearing on Application For Order To*  
 7 *Show Cause Why Compass Answer And Counter Claim Should*  
 8 *Not Be Stricken and Status Hearing* Hearing Date: 06/26/2009  
 9 Hearing Time: 9:30 a.m. with Certificate of Service Filed by  
 10 JOHN HINDERAKER on behalf of USACM LIQUIDATING  
 11 TRUST [DE 57]

12           **Status** As of this writing, Compass has not appeared in this action  
 13 through counsel to prosecute its answer and counterclaim. The  
 14 USACM Liquidating Trust asks that, as was indicated in the order  
 15 to show cause, Compass' pleadings be stricken as it can not  
 16 appear pro se.

17           The Trust was advised that Debt Acquisition Company of  
 18 America V, LLC intended to file a motion to intervene as plaintiff  
 19 in this adversary proceeding. If no such motion has been filed,  
 20 upon dismissal of Compass' pleadings, the Trust requests this  
 21 Court's order of dismissal of this action without prejudice under  
 22 Bankr. R. 7041 and Rule 41(a), Fed. R. Civ. P.

23           10. **Show Cause Hearing: Order To Appear And Show Cause Why**  
 24 **Compass Answer And Counter Claim Should Not Be Stricken:** Adv. 08-01066-lbr,  
 25 USACM Liquidating Trust v. Compass USA SPE, LLC et al

26           **Order filed:** Order To Appear And Show Cause Why Compass Answer And  
 1 05/05/09 Counter Claim Should Not Be Stricken [DE 54]

2 05/29/09 Hearing Scheduled/Rescheduled. Show Cause hearing to be held  
 3 on 6/26/2009 at 09:30 AM at LBR-Courtroom 1, Foley Federal  
 4 Bldg. [DE 58]

5           **Status** As of this writing, Compass has not appeared in this action  
 6 through counsel to prosecute its answer and counterclaim. The  
 7 USACM Liquidating Trust asks that, as was indicated in the order  
 8 to show cause, Compass' pleadings be stricken as it can not  
 9 appear pro se.

10           The Trust was advised that Debt Acquisition Company of  
 11 America V, LLC intended to file a motion to intervene as plaintiff  
 12 in this adversary proceeding. If no such motion has been filed,

upon dismissal of Compass' pleadings, the Trust requests this Court's order of dismissal of this action without prejudice under Bankr. R. 7041 and Rule 41(a), Fed. R. Civ. P.

**11. Status Hearing Re: Objection to Claim 784 of Binford Medical Developers: 06-10725-lbr, USA Commercial Mortgage Company, Chapter 11**

**Objection filed:**  
12/11/06      Objection to Claim 784 of BINFORD MEDICAL DEVELOPERS  
in the amount of filed by LENARD E. SCHWARTZER on behalf  
of USA COMMERCIAL MORTGAGE COMPANY [DE 2033]

**Opposition filed:** Opposition with Certificate of Service Filed by SUSAN WILLIAMS SCANN on behalf of BINFORD MEDICAL DEVELOPERS, LLC [DE 2329]  
12/29/06

**Reply filed:** *Reply In Support of Objection to Claim 784 of BINFORD MEDICAL DEVELOPERS Filed by LENARD E. SCHWARTZER on behalf of USA COMMERCIAL MORTGAGE COMPANY [DE 2378]*  
01/08/07

**Status** Continued from 1/17/07, 3/15/07, 4/26/07, 6/15/07, 8/7/07, 10/15/07, 12/14/07, 12/20/07, 1/11/08, 2/4/08, 4/17/08, 5/8/08, 7/24/08, 12/16/08, 2/3/09, and 6/12/09. Council will appear for status conference and the Trust will request a trial date.

**12. Status Hearing Re: Objection to Claim 203 of Mountain West Mortgage Co. in the amount of \$2,048,000.00: 06-10725-lbr, USA Commercial Mortgage Company, Chapter 11**

**Objection Filed:** Objection to Claim 203 of Mountain West Mortgage Co./Lerin Hills in the amount of \$2,048,000.00 with Certificate of Service filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 3078]  
3/13/07

**Declaration Filed:** Declaration Of: Edward M. Burr *in Support of USACM Liquidating Trust Objections to Proofs of Claim and Motions to Classify Claims Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 3082]*  
3/13/07

**Reply Filed:** *Reply to Objection of the USACM Liquidating Trust to Proof of Claim File by Lerin Hills LTD (Claim No. 203 & 1279) Filed by MARJORIE A. GUYMON on behalf of MOUNTAIN WEST MORTGAGE, LLC [DE 3904]*  
6/06/07



1      **Order Filed:**      Order Re: Pre-Trial Matters; Trial; and Settlement Conference.  
 2      2/24/09      Trial date set for 10/8/2009 and 10/9/2009 at 09:30 AM at LBR-  
 3      Courtroom 1, Foley Federal Bldg. Pre-Trial Conference set for  
 4      9/30/2009 at 02:30 PM at LBR-Courtroom 1, Foley Federal Bldg.  
 5      [DE 6856]

6      **Status**      Continued from 4/26/07, 6/15/07, 10/15/07, 12/14/07, 2/21/08,  
 7      5/8/08, 7/24/08, 2/3/09, 2/20/09, 4/10/09, 5/18/09, and 6/12/09.  
 8      Mountain West Mortgage has retained substituted council. The  
 9      parties have a trial scheduled for October 8 and 9.

10     **13. Objection to Claim 10725-01105 of Terry Hansen in the amount of**  
 11     **\$105,000.00 : 06-10725-lbr, USA Commercial Mortgage Company, Chapter 11**

12     **Objection filed:**      Objection to Claim 10725-01105 of Terry Hansen in the amount  
 13     4/09/09      of \$105,000.00 As Filed Partially in Wrong Debtor's Case;  
 14     Objection of DTDF to Proposed Allowance of Claim with  
 15     Certificate of Service Filed by JOHN HINDERAKER on behalf  
 16     of USACM LIQUIDATING TRUST [DE 7021]

17     **Status**      No response received. Trustee will request the Court sustain the  
 18     objection.

19     **14. Objection to Claim of Teri Melvin: 06-10725-lbr, USA Commercial**  
 20     **Mortgage Company, Chapter 11**

21     **Objection filed:**      Objection to Claim of Teri Melvin in the amount of Objection of  
 22     4/09/09      USACM Trust to Proofs of Claim of Teri Melvin As Filed  
 23     Partially in Wrong Debtor's Case; Duplicative claims; and  
 24     Objection of DTDF to Proposed Allowance of Claim with  
 25     Certificate of Service Filed by JOHN HINDERAKER on behalf  
 26     of USACM LIQUIDATING TRUST [DE 7023]

27     **Status**      No response received. Trustee will request the Court sustain the  
 28     objection.

29     **15. Objection to Claim 10725-00217 and 10725-00244 of Developers Capital**  
 30     **Funding, Corp: 06-10725-lbr, USA Commercial Mortgage Company, Chapter 11**

31     **Objection filed:**      Objection to Claim 10725-00217 and 10725-00244 of Developers  
 32     4/24/09      Capital Funding, Corp. in the amount of with Certificate of  
 33     Service Filed by JOHN HINDERAKER on behalf of USACM  
 34     LIQUIDATING TRUST [DE 7063]



**Status** No response received. Trustee will request the Court sustain the objection.

**16. Objection to Claim 10725-02570 of Salvatore J. Reale: 06-10725-lbr,  
USA Commercial Mortgage Company, Chapter 11**

**Objection filed:** Objection to Claim 10725-02570 of Salvatore J. Reale in the amount of with Certificate of Service Filed by JOHN HINDERAKER on behalf of USACM LIQUIDATING TRUST [DE 7065]  
4/24/09

**Status** No response received. Trustee will request the Court sustain the objection.

**17. Motion for Order to Show Cause Why Objection to Lerin Hills Proof of  
Claim Should Not Be Sustained: 06-10725-lbr, USA Commercial Mortgage Company,  
Chapter 11**

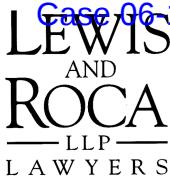
**Motion filed:** Motion for Order to Show Cause Why Objection to Lerin Hills  
4/28/09 Proof of Claim Should Not Be Sustained with Certificate of  
Service Filed by JOHN HINDERAKER on behalf of USACM  
LIQUIDATING TRUST [DE 7079]

**Order filed:** Order to Appear and Show Cause Why an Order Should Not be  
4/29/09 Entered Sustaining the USACM LIQUIDATING TRUST's  
Objection to LERIN HILLS LTD. Proof of Claim [DE 7084]

**Status** Rescheduled from 6/12/09. Lerin Hills has council, Mr. Ty Kehoe. The Trust will withdraw the motion for order to show cause at the status conference.

**18. Motion for Order to Show Cause Why Objection to Mountain West Mortgage LLC Proof of Claim Should Not Be Sustained: 06-10725-lbr, USA Commercial Mortgage Company, Chapter 11**

**Motion filed:** Motion for Order to Show Cause Why Objection to Mountain West Mortgage LLC Proof of Claim Should Not Be Sustained with Certificate of Service Filed by JOHN HINDERAKER on behalf of USACM LIQUIDATING TRUST [DE 7080]  
4/28/09



1      **Order filed:**

2      4/29/09

Order to Appear and Show Cause Why an Order Should Not be  
 Entered Sustaining the USACM LIQUIDATING TRUST's  
 Objection to MOUNTAIN WEST MORTGAGE LLC Proof of  
 Claim [DE 7085]

4      **Status**

Rescheduled from 6/12/09. Mountain West Mortgage has  
 retained substitute council. The Trust will withdraw the motion  
 for order to show cause at the hearing.

7      **19. Objection to Claim 10725-1332-1 and 10725-1335-1 of James J. Lee, Esq. and the Law Offices of James J. Lee:** 06-10725-lbr, USA Commercial Mortgage Company, Chapter 11

9      **Objection filed:**

10     4/29/09

Objection to Claim 10725-1332-1 and 10725-1335-1 of James J. Lee, Esq. and the Law Offices of James J. Lee in the amount of with Certificate of Service Filed by MARVIN C. RUTH on behalf of USACM LIQUIDATING TRUST [DE 7086]

12     **Status**

No response received. Trustee will request the Court sustain the objection.

13     **20. Status Hearing:** Adv. 08-01119-lbr, USACM Liquidating Trust v. Russell et al

15     **Order filed:**

16     02/24/09

Order Re: Pre-Trial Matters; Trial; and Settlement Conference.. Pre-Trial Conference set for 10/14/2009 at 02:30 PM at LBR-Courtroom 1, Foley Federal Bldg.. Trial date set for 10/22/2009 and 10/23/2009 at 09:30 AM at LBR-Courtroom 1, Foley Federal Bldg. [DE 47]

18     **Order filed:**

19     05/28/09

Order Rescheduling Status Hearing. Status hearing to be held on 6/26/2009 at 09:30 AM at LBR-Courtroom 1, Foley Federal Bldg [DE 64]

20     **Status**

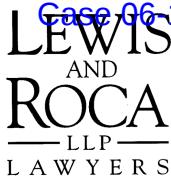
Ready to proceed.

21     **21. Motion To Approve Settlement Agreement Between The USACM Liquidating Trust And Tanamera Resort Partners, LLC:** Adv. 08-01129-lbr, USACM Liquidating Trust v. Tanamera Resort Partners, LLC

23     **Motion filed:**

24     5/20/09

Motion to Approve Settlement Agreement Between THE USACM LIQUIDATING TRUST and TANAMERA RESORT PARTNERS, LLC with Certificate of Service Filed by ERIC D. MADDEN on behalf of USACM LIQUIDATING TRUST [DE 29]



1      **Declaration filed:** Declaration Of: GEOFFREY L. BERMAN with Certificate of  
 2      5/20/09 Service Filed by ERIC D. MADDEN on behalf of USACM  
 3      LIQUIDATING TRUST [30]

4      **Order filed:** Order Rescheduling Hearing. Hearing scheduled 6/26/2009 at  
 5      5/29/09 09:30 AM at LBR-Courtroom 1, Foley Federal Bldg..(Related  
 6      document(s)[29] Motion to Approve Settlement filed by Plaintiff  
 7      USACM LIQUIDATING TRUST. [31]

8      **Status** No objections filed – ready to proceed.

9      22. **Motion for Allowance of Bunch Claim:** 06-10725-lbr, USA Commercial  
 10     Mortgage Company, Chapter 11

11     **Motion filed:** *Motion for Allowance of Bunch Claim* with Certificate of Service  
 12     06/04/09 Filed by ROB CHARLES on behalf of USACM LIQUIDATING  
 13     TRUST [DE 7182]

14     06/05/09 Hearing Scheduled/Rescheduled. Hearing scheduled 6/26/2009 at  
 15     09:30 AM at LBR-Courtroom 1, Foley Federal Bldg. [DE 7185]

16     **Status** No objection has been received. The Trust will request this  
 17     Court's order granting the motion.

18     Dated June 24, 2009.

19     **LEWIS AND ROCA LLP**

20     By: /s/ RC (#6593)  
 21     Susan M. Freeman, AZ 4199 (*pro hac vice*)  
 22     Rob Charles, NV 6593  
 23     John Hinderaker, AZ 18024 (*pro hac vice*)  
 24     *Counsel for USACM Liquidating Trust*

25     **PROOF OF SERVICE**

26     COPY of the aforementioned sent via e-  
 27     mail or U.S. First Class Mail on June 24,  
 28     2009 to the parties listed on Post-Effective  
 29     Official Service List for Limited Notice  
 30     No. 5 Dated March 31, 2009.

31     /s/ Carrie Lawrence

32     Carrie Lawrence  
 33     Lewis and Roca LLP